

COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

June 22, 2006

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In the Matter of  
Vincent and Shirley Moccio

Docket No. 2006-079  
File No. PAN-WE-06-9001-64

Docket No. 2006-080  
File No. UAO-WE-06-9001-64

Southwick

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**RECOMMENDED FINAL DECISION**

Vincent and Shirley Moccio filed two Claims for an adjudicatory hearing seeking review of a Notice of Intent to Assess a Civil Administrative Penalty (PAN) and Unilateral Administrative Order (UAO). Because the Claims did not include all the information required in a request for a hearing, I issued an Order on May 31, 2006 requiring the petitioners to provide by June 12, 2006 a more definite statement of their appeals. Specifically, the petitioners were ordered to file a clear and concise statement of the factual grounds for the appeal of the UAO and the relief sought by that Claim, as well as copies of the documents being appealed. The Order explained that if the information was not filed, the appeal would be dismissed pursuant to 310 CMR 1.01(6)(b).



Nothing has been filed in response to the Order. I therefore recommend that this appeal be dismissed for failure to prosecute pursuant to 310 CMR 1.01(5)(a)15.f.vi, 1.01(6)(b) and 1.01(10).

### **NOTICE**

This decision is a recommended final decision of the Presiding Officer. It has been transmitted to the Commissioner for his final decision in this matter. This decision is therefore not a final decision subject to reconsideration under 310 CMR 1.01(14)(e), and may not be appealed to Superior Court pursuant to M.G.L. c. 30A. The Commissioner's final decision is subject to the rights of reconsideration and court appeal and will contain a notice to that effect.

Because this matter has now been transmitted to the Commissioner, no party shall file a motion to renew or reargue this recommended final decision or any part of it, and no party shall communicate with the Commissioner's office regarding this decision unless the Commissioner, in his sole discretion directs otherwise.

**This final document copy is being provided to you electronically by the  
Department of Environmental Protection. A signed copy of this document  
is on file at the DEP office listed on the letterhead.**

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Ann Lowery  
Presiding Officer

*Adopted by Commissioner Robert W. Golledge, July 6, 2006.*